

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 20, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2549**

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**Introduced by Assembly Member Blakeslee**

February 23, 2006

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An act to amend Sections 161, 162, and 172 of, and to add Section 162.5 to, *Sections 162.5 and 172.5* to the Military and Veterans Code, relating to the State Militia.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Blakeslee. State Militia: Adjutant General.

Existing law specifies the membership of the office of the Adjutant General, and provides that no person is eligible for appointment as the Assistant Adjutant General, unless he or she has had not less than a total of 5 years of commissioned service in the National Guard of the United States, of which at least 3 years shall be service as a field grade officer, as provided, and of which at least 3 years shall have been in command of army or air troops or as a staff officer, as provided.

This bill would delete the requirement that a person serve at least 3 years as a field grade officer in order to be eligible for appointment as the Assistant Adjutant General.

Existing law requires the Adjutant General to be appointed by the Governor with the advice and consent of the Senate, and specifies that no person is eligible for appointment unless he or she has had not less

~~than a total of 10 years of commissioned service in the National Guard of the United States, of which at least 4 years shall be service as a field grade officer, as provided, and of which at least 4 years shall have been in command of army or air troops or as a staff officer, as provided.~~

~~This bill would instead provide that no person is eligible for appointment unless he or she is a federally recognized officer, as provided, has had not less than a total of 5 years of commissioned service in the National Guard of the United States, of which at least 3 years shall have been in command of army or air troops or as a staff officer, as provided, and has graduated from a military Senior Service College.~~

*Existing law provides that the Governor's staff consists of the Adjutant General and those aides as the Governor designates, as provided.*

This bill would provide that the Governor, at his or her discretion, may convene the Adjutant General Officer Selection Committee, as specified, to interview and assess, and then advise and recommend to the Governor, those individuals who upon completing the requirements of the committee and having complied with the appointment application process of California, would be best qualified for the position of Adjutant General. This bill would require the committee to provide their findings and recommendations to the Governor's Appointments Secretary. This bill would provide that the findings and recommendations would be confidential to the Governor and his or her Appointments Secretary.

*Existing law requires the Adjutant General to perform various duties with regard to the National Guard, as may be prescribed by the Governor.*

*This bill would require the Adjutant General to submit a biennial report to the Governor and the Legislature, regarding the National Guard's ability to meet its California specific mission, as provided.*

~~Existing law requires the Adjutant General to submit a report to the Governor every 4th year, as specified.~~

~~This bill would require the Adjutant General to submit an annual report to the Governor, as specified, outlining the operations of California's State Militia, including the operational readiness of the California Army National Guard and the California Air National Guard.~~

The California Constitution requires that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect with respect to the confidential nature of findings and recommendations provided to the Governor.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature, due to the  
2 continued requirements of the federal government on the  
3 California National Guard and the state mission, to preserve the  
4 peace, to protect its citizens, to respond to all forms of natural  
5 and manmade disasters and emergencies, to enhance the power  
6 of the Governor of California to appoint the most qualified  
7 person to the position of Adjutant General, and to ensure that the  
8 Adjutant General is responsive to the direction and command of  
9 the civilian leadership of California.

10    ~~SEC. 2. Section 161 of the Military and Veterans Code is~~  
11 ~~amended to read:~~

12    ~~161. The office of the Adjutant General consists of one~~  
13 ~~officer of the rank of lieutenant general who is the Adjutant~~  
14 ~~General, one officer of the rank of brigadier general who is the~~  
15 ~~Assistant Adjutant General, one officer who may be of the rank~~  
16 ~~of brigadier general who is the Deputy Adjutant General, Army~~  
17 ~~Division, one officer who may be of the rank of brigadier general~~  
18 ~~who is the Deputy Adjutant General, Air Division, one officer~~  
19 ~~who may be of the rank of brigadier general who is the Deputy~~  
20 ~~Adjutant General, Joint Staff Division, and other officers as are~~  
21 ~~prescribed by the laws or regulations of the United States. No~~  
22 ~~person is eligible for appointment as the Assistant Adjutant~~  
23 ~~General unless he or she had not less than a total of five (5) years~~  
24 ~~of commissioned service in the National Guard of the United~~  
25 ~~States, of which at least three (3) years shall have been in~~  
26 ~~command of Army or air troops at the battalion or equivalent or~~  
27 ~~higher command level or three (3) years as a staff officer at~~

1 ~~brigade or equivalent or higher staff level. The Assistant~~  
2 ~~Adjutant General is subordinate only to the Governor and the~~  
3 ~~Adjutant General.~~

4 ~~SEC. 3. Section 162 of the Military and Veterans Code is~~  
5 ~~amended to read:~~

6 ~~162. The Adjutant General shall be appointed by the~~  
7 ~~Governor with the advice and consent of the Senate, and shall~~  
8 ~~hold office at the pleasure of the Governor, or until his or her~~  
9 ~~successor is appointed and has qualified. No person is eligible for~~  
10 ~~appointment as Adjutant General unless he or she is a federally~~  
11 ~~recognized officer in the rank of colonel or higher, has had not~~  
12 ~~less than a total of five years of commissioned service in the~~  
13 ~~National Guard of the United States, of which at least three years~~  
14 ~~shall have been in command of army or air troops at the battalion~~  
15 ~~or equivalent or higher command level or three years as a staff~~  
16 ~~officer at brigade or equivalent or higher staff level, and is a~~  
17 ~~graduate of a military Senior Service College.~~

18 ~~SEC. 4.~~

19 ~~SEC. 2. Section 162.5 is added to the Military and Veterans~~  
20 ~~Code, to read:~~

21 ~~162.5. (a) The Governor, at his or her discretion, may~~  
22 ~~convene the Adjutant General Selection Committee, to interview~~  
23 ~~and assess those individuals who would be best qualified for the~~  
24 ~~position of Adjutant General.~~

25 ~~(b) The Governor shall select five candidates to serve on the~~  
26 ~~committee, which shall include at least two retired or active~~  
27 ~~generals who are currently serving, or have previously served, in~~  
28 ~~the California National Guard, in the rank of major general or~~  
29 ~~higher.~~

30 ~~(b) The Governor shall select five candidates to serve on the~~  
31 ~~committee. The candidates shall be individuals who are currently~~  
32 ~~serving or have previously served in any of the following:~~

33 ~~(1) The California National Guard.~~

34 ~~(2) The United States Navy.~~

35 ~~(3) The United States Army.~~

36 ~~(4) The United States Air Force.~~

37 ~~(5) The United States Marine Corps.~~

38 ~~(c) No person is eligible to serve on the committee unless he~~  
39 ~~or she has attained the rank of major brigadier general or~~  
40 ~~equivalent, or higher.~~

1 (d) No person is eligible to serve on the committee if he or she  
2 wishes to be considered for appointment to the position of  
3 Adjutant General.

4 (e) No member of the committee may be recommended by the  
5 committee for the position of Adjutant General.

6 (f) The Governor's Appointments Secretary shall make  
7 available to the committee, the names and applications of those  
8 persons seeking appointment to the position of Adjutant General.

9 (g) The Governor's Appointments Secretary shall provide a  
10 timeline to the committee, for the review and recommendation of  
11 applicants for the position of Adjutant General.

12 (h) The committee shall provide their findings and  
13 recommendations of those individuals who would be best  
14 qualified for the position of Adjutant General to the Governor's  
15 Appointments Secretary. The Governor may consider the  
16 recommendation of the committee in the selection of the  
17 Adjutant General.

18 (i) The findings and recommendations of the committee shall  
19 be considered as confidential to the Governor and his or her  
20 Appointments Secretary.

21 (j) *The members of the commission shall receive a per diem of*  
22 *one hundred fifty dollars (\$150) for each day of service. The*  
23 *aggregate total expenses for all members of the commission*  
24 *incurred during each convention of the committee shall not*  
25 *exceed fifteen thousand dollars (\$15,000).*

26 ~~(j)~~

27 (k) Any funds necessary for the formation of the Adjutant  
28 General Selection Committee shall be funded by the state  
29 Military Department out of existing funds appropriated for the  
30 California National Guard.

31 *SEC. 3. Section 172.5 is added to the Military and Veterans*  
32 *Code, to read:*

33 *172.5. The Adjutant General shall submit a biennial report to*  
34 *the Governor and the Legislature, regarding the National*  
35 *Guard's ability to meet its California specific mission. The report*  
36 *shall include the following:*

37 (a) *A comparison between benefits, retention, recruitment,*  
38 *policies, and practices of the California National Guard and of*  
39 *other large national guards.*

1     (b) *An evaluation of the readiness of California National*  
2     *Guard armories' ability to support state missions.*

3     ~~SEC. 5. Section 172 of the Military and Veterans Code is~~  
4     ~~amended to read:~~

5     ~~172. (a) The Adjutant General shall submit an annual report~~  
6     ~~to the Governor, outlining the operations of California's State~~  
7     ~~Militia, including the operational readiness of the California~~  
8     ~~Army National Guard and the California Air National Guard.~~  
9     ~~The report shall include the following:~~

10    ~~(1) The amount of money received and disbursed for military~~  
11    ~~purposes for the prior fiscal year.~~

12    ~~(2) The number of members of the active militia.~~

13    ~~(3) The readiness status, as defined by the Department of the~~  
14    ~~Army, of the active militia.~~

15    ~~(4) A history of the activities and deployments of the Military~~  
16    ~~Department during the preceding year.~~

17    ~~(5) The number of on-hand personnel strength in the~~  
18    ~~California Army National Guard and the California Air National~~  
19    ~~Guard compared to the number of personnel authorized by the~~  
20    ~~National Guard Bureau to be employed by the California~~  
21    ~~National Guard, including a breakdown by rank.~~

22    ~~(6) The attrition and recruitment rates of California National~~  
23    ~~Guard personnel during the preceding federal fiscal year.~~

24    ~~(7) The training readiness of the California Army National~~  
25    ~~Guard and the California Air National Guard, including shortages~~  
26    ~~and their impacts on the readiness status.~~

27    ~~(8) Equipment location, condition, and status, and their~~  
28    ~~impacts on the readiness status of the California Army National~~  
29    ~~Guard and the California Air National Guard.~~

30    ~~(9) Real property operations and maintenance, and their effect~~  
31    ~~on the readiness status of the California Army National Guard~~  
32    ~~and the California Air National Guard.~~

33    ~~(b) The report shall be submitted to the Legislature and the~~  
34    ~~Governor no later than the last day of the third month following~~  
35    ~~the end of the state fiscal year.~~

36    ~~SEC. 6.~~

37    ~~SEC. 4.~~ The Legislature finds and declares that Section 4 2  
38    of this act, which adds Section 162.5 to the Military and Veterans  
39    Code, imposes a limitation on the public's right of access to the  
40    meetings of public bodies or the writings of public officials and

1 agencies within the meaning of Section 3 of Article I of the  
2 California Constitution. Pursuant to that constitutional provision,  
3 the Legislature makes the following findings to demonstrate that  
4 interest protected by this limitation and the need for protecting  
5 that interest:

6 Current law provides that the Governor shall make  
7 appointments to the position of the Adjutant General with  
8 oversight by the Senate. It is the intent of the Legislature that the  
9 establishment of the Adjutant General Selection Committee, and  
10 its findings and recommendations to the Governor's  
11 Appointments Secretary, maintain the internal confidentiality of  
12 the Governor's appointment process, and respects the personal  
13 and confidential information submitted by applicants for the  
14 position of Adjutant General.

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